

Minutes of the
City Commission for the City of Traverse City
Regular Meeting



April 6, 2015

A regular meeting of the City Commission of the City of Traverse City was called to order at the Commission Chambers, Governmental Center, 400 Boardman Avenue, Traverse City, Michigan, at 7 p.m.

The following Commissioners were present, constituting a quorum: Mayor Michael Estes, Mayor Pro Tem Barbara D. Budros (departed at 8:52 p.m.), James Carruthers, Jeanine Easterday, Gary Howe, Ross Richardson, Tim Werner.

The following Commissioners were absent: None.

The Pledge of Allegiance was recited.

Mayor Michael Estes presided at the meeting.

As requested by Commissioner Tim Werner, Agenda Item 2(h) was removed from the Consent Calendar for individual consideration by the Commission.

As requested by Mayor Pro Tem Barbara Budros, Agenda Item 2(g) was removed from the Consent Calendar for individual consideration by the Commission.

As requested by Commissioner Jeanine Easterday, Agenda Item 2(k) was removed from the Consent Calendar for individual consideration by the Commission.

There being no objection, Mayor Michael Estes placed the items removed from the Consent Calendar to be considered in the agenda following the originally-scheduled New Business Items.

2. Consent Calendar

Moved by Carruthers, seconded by Budros, that the following actions as recommended on the amended Consent Calendar portion of the Agenda be approved:

- a. the minutes of the March 2, 2015, Regular Meeting, and March 23, 2015, Special Meeting, be approved.
- b. an amendment to the Traverse City Code of Ordinances, *Zoning Map Amendment – Change No. 38*, to rezone 1015 and 1025 Hannah Avenue from R-2, Two Family Dwelling to C-2, Neighborhood Center, as recommended by the City Planning Commission, which was introduced on March 16, 2015, be enacted with an effective date of April 16, 2015.
- c. an amendment to the Traverse City Code of Ordinances, *Zoning Map Amendment – Change No. 37*, to rezone 314 East Eighth Street from R-29, Multiple Family Dwelling to C-2, Neighborhood Center, as recommended by the City Planning Commission, which was introduced on March 16, 2015, be enacted with an effective date of April 16, 2015.
- d. the Acting City Manager be authorized to issue a confirming service order to Wheelock and Sons Welding, Inc. in the amount of \$21,425 and a confirming service order to Todd's Welding in the amount of \$29,692.50, for work performed to reestablish frozen water service connections at various locations throughout the City with funds available in the Water Fund.
- e. traffic Control Orders 576 and 577, which require yielding on Xavier at Cypress and No Parking from 8:00 a.m. to 4:00 p.m. on the east side of Milliken Drive, respectively, be adopted to be made permanent.
- f. an amendment to the Traverse City Code of Ordinances, *Liquor License Registration Revocation Clarification*, Section 834.07, which clarifies that the City Clerk may revoke liquor license registrations for the same reasons liquor license applications may be denied, which is a housekeeping matter, be introduced and scheduled for possible enactment on May 4, 2015.

- g. Removed from the Consent Calendar.
- h. Removed from the Consent Calendar.
- i. the Resolution for Decertification of Sheffer Street, which decertifies Sheffer Street between Centre Place Street and Woodmere Avenue, be adopted.
- j. the competitive bidding process be waived; and that the Acting City Manager be authorized to issue a service order to Northern Pump & Well in the amount of \$15,166.35 for additional work on high service pump #3 and low service pump #1 with funds available in the Water Fund.
- k. Removed from the Consent Calendar.
- l. the Acting City Manager be authorized to issue a confirming purchase order in the amount of \$19,193.26 to Brenner Oil Co. for 10,003 gallons of dyed #2 diesel fuel without additives priced at \$1.91875 per gallon with funds available in the Garage Fund.
- m. the Acting City Manager be authorized to issue a purchase order to Affordable Door and Gate in the amount of \$9,738 for the Overhead Garage Doors at Fire Station #2, 1313 East 8th Street, with funds available in the Traverse City Fire Department Capital Improvement Fund.

CARRIED unanimously.

3. Old Business

3(a).

Consideration of enacting an amendment to the Traverse City Code of Ordinances which would allow accessory dwelling units in R-1a, R-1b, RC and MU Districts, and repealing Chapter 1377, which allows accessory dwelling units in the Traverse Heights Neighborhood, as recommended by the Planning Commission.

The following addressed the Commission:

Russell Soyring, City Planning Director
Lauren Tribble-Laucht, City Attorney

Moved by Easterday, seconded by Werner, that an amendment to the Traverse City Code of Ordinances, Sections 1320.07, Accessory Dwelling Units Definition Amendment; 1332.01, Single Family Dwelling (R-1a, R-1b) District Uses Allowed; 1332.07, Accessory Dwelling Units in Single Family Dwelling Districts with Conditions; 1374.03, Accessory Dwelling Units No Parking Required Amendment, and 1377, Repeal of Accessory Dwelling Units Overlay Districts Ordinance Chapter 1377, be enacted with the following changes: 1) that the ordinance require a minimum of a three (3) month lease; and 2) that there be an annual administrative review of all registrations issued, with an effective date of April 16, 2015.

Julia Wagner, 402 West 11th Street – expressed opposition
Linda Lichty, 715 South Pine Street – expressed opposition
John McDonald, 117 Monroe Street – made general comments
Tom Evon, 609 West 11th Street – expressed opposition
Chris Maxbauer, 503 West Eighth Street – made general comments
Tyler Bevier, 12567 Bluff Road, Peninsula Township – made general comments
Mary Condit, 111 North Madison – expressed opposition
Kathy Borak, 214 West 11th Street – expressed opposition
Denny Braun, 602 Washington Street – expressed opposition
Patrick Sullivan, 709 Webster Street – expressed support
Kirk Wagonlander, 736 East State Street – expressed support
Brian Haas, 227 East 10th Street – expressed support
Jan Vlash, 416 Sixth Street - made general comments
Rick Buckhalter, 932 Kelley Street – expressed opposition
Bob Otwell, 525 Washington Street – expressed support
Leslie Wray, 304 West 13th Street – expressed opposition
Adrienne Rossi, 312 West Seventh Street – made general comments
Jan Cleland, 211 West 12th Street – made general comments
Marilyn Vlack, 416 Sixth Street – expressed opposition
Roger Send, 300 Birchwood Avenue – expressed support
Kaelyn Rice, 219 West 10th Street – expressed opposition
Jane Blake, 506 West 11th Street- expressed opposition

Roll Call:

Yes - Carruthers, Easterday, Howe, Werner.

No - Richardson, Budros, Estes.

CARRIED.

There being no objection, Mayor Michael Estes declared a recess.

3(b).

Consideration of authorizing the following actions in connection with the West Front Street Reconstruction Project: an agreement for Traverse City Light and Power to provide up to \$527,000 in funds for street lighting, a construction contract for the project; an agreement for construction testing services; an agreement amendment for design services; and a purchase order for traffic signal equipment.

The following addressed the Commission:

Timothy Lodge, City Engineer

(Mayor Pro Tem Barbara Budros departed the meeting)

Moved by Richardson, seconded by Easterday, that the competitive bidding process be waived and the Acting City Manager be authorized to issue a purchase order to Carrier and Gable, Inc., in the amount of \$41,330 for traffic signal equipment to be installed at the Front/Hall/Wadsworth intersection, with funds available as indicated in the West Front Street Project Funding Breakdown dated March 31, 2015.

Julia Wagner, 402 West 11th Street – made general comments

Adrienne Rossi, 312 West Seventh Street – made general comments

Sandra Bargeil, 212 Wadsworth Street – made general comments

Roll Call:

Yes - Howe, Richardson, Estes.

No - Carruthers, Easterday, Werner.

FAILED. (Budros absent)

Moved by Richardson, seconded by Easterday, that the Mayor and City Clerk execute a funding agreement with Traverse City Light and Power for it to provide funding for street lighting associated with the West Front Street Reconstruction Project in the amount not-to-exceed \$527,000; and that the Mayor and City Clerk execute a unit prices construction contract with Crawford Contracting in the amount of \$2,289,686, more or less, at the unit prices indicated in its bid for the 2015 West Front Street Reconstruction Project; and that the Mayor and City Clerk execute a consultant agreement with Otwell Mawby, P.C. in the amount of \$8,868 for required material testing and testing documentation associated with the 2015 West Front Street Reconstruction project; and that the Mayor and City Clerk execute an amendment to the consultant agreement with IDF, LLC (Influence Design Forum), originally authorized October 6, 2014, in the amount of \$7,000 for design services associated with the 2015 West Front Street Reconstruction Project, with the agreements subject to approval as to their substance by the Acting City Manager and their form by the City Attorney, with funds available for the agreements to be provided as indicated in the West Front Street Reconstruction Project Funding Breakdown dated March 31, 2015.

CARRIED. (Budros absent)

3(c).

Report from City Commission Ad Hoc Committee regarding City Manager Recruitment.

The following addressed the Commission:

Moved by Easterday, seconded by Werner, that the City Manager job description, candidate evaluation tool and the candidate interview procedure be approved, and that candidates invited to a personal interview be reimbursed up to

\$1,200 for reasonable expenses (lodging, meals, travel, including lowest-available airfare), associated with their interview, with funds available in the City Commission Budget.

CARRIED unanimously. (Budros absent)

4. New Business

4(a).

Consideration of authorizing the letter of agreement with the National Cherry Festival for its use of city resources in connection with the 2015 event.

The following addressed the Commission:

Benjamin Marentette, City Clerk
Trevor Tkach, National Cherry Festival Executive Director

Moved by Easterday, seconded by Richardson, that the Mayor and City Clerk execute the letter of agreement with the National Cherry Festival (NCF) outlining the terms and conditions of NCF's use of City resources in connection with the 2015 National Cherry Festival, such agreement subject to approval as to its substance by the Acting City Manager and its form by the City Attorney; and further that the City Clerk be authorized to issue the related Street Use and Park and Public Land Use Permits.

CARRIED unanimously. (Budros absent)

4(b).

Consideration of authorizing a memorandum of understanding to accept a grant from the Michigan Municipal League for "PlacePlans" which would provide professional placemaking services to assist with implementation of the West Front Street Corridor of the Corridors Master Plan.

The following addressed the Commission:

Penny Hill, Acting City Manager

Russell Soyering, City Planning Director

Moved by Howe, seconded by Richardson, that the Mayor and City Clerk execute the Memorandum of Understanding with the Michigan Municipal League for the West Front Market District Design, as part of the *PlacePlans* program of the Michigan Municipal League, with the City to provide up to \$25,000 in funding along with in-kind services, with funds to be provided by the Fire Department Budget.

CARRIED unanimously. (Budros absent)

4(c).

Consideration of authorizing the winter salt order for the 2015-2016 season.

Moved by Richardson, seconded by Easterday, that the Acting City Manager be authorized to approve ordering 1,000 tons of bulk salt and 300 tons of backup salt through the State of Michigan's MIDeal program.

CARRIED unanimously. (Budros absent)

4(d).

Consideration of authorizing an amendment to the retainer agreement in connection with the dispute resolution process for the Clinch Park Waterscape to provide for expert witness fees.

It was the consensus of the Commission to refer this matter to a future meeting.

4(e).

Consideration of authorizing an agreement for structural engineering services associated with the design of projects for the Pine Street Pedestrian Bridge, West Front Street Bridge entire bridge replacement and Eighth Street Bridge Superstructure Replacement.

The following addressed the Commission:

Timothy Lodge, City Engineer

Moved by Easterday, seconded by Werner, that the competitive bidding process be waived; and that the Mayor and City Clerk execute a consultant agreement with AECOM in the amount of \$9,980 for technical assistance associated with bridge design for the Pine Street Pedestrian Bridge, West Front Street Bridge Replacement and Eighth Street Bridge Superstructure Replacement, with funds available in the Public Improvements Fund, such agreement subject to approval as to its substance by the Acting City Manager and its form by the City Attorney.

CARRIED unanimously. (Budros absent)

5. Appointments

5(a).

Consideration of establishing an ad hoc interview committee to make a recommendation regarding a term expiring on the Traverse City Light and Power Board

Moved by Carruthers, seconded by Easterday, that John Taylor (seat previously held by John Taylor) be reappointed, to one five-year term expiring April 6, 2020, on the Traverse City Light and Power Board.

The following addressed the Commission:

Benjamin Marentette, City Clerk

Sandra Bargiel, 212 Wadsworth Street - made general comments

CARRIED unanimously. (Budros absent)

6. Reports and Communications

The following were received and filed:

- a. Reports, announcements and correspondence from the City Manager.
- b. Announcements from the City Clerk.
- c. Reports, announcements and correspondence from the Mayor and City Commissioners.
- d. Reports and correspondence from other City officials, boards and committees.
 - 1. Reports from members of the Commission serving on boards.
- e. Reports and correspondence from non-City officials.
 - 1. Fractile Emergency Response Report from North Flight for February 2015.
 - 2. Monthly Operations Report from CH2M Hill for operation of the Wastewater Treatment Plant for February 2015.

7. Public Comment

The following addressed the Commission:

- 1. Reserved.

None

- 2. General.

Adrienne Rossi, 312 West Seventh Street
Jan Cleland, 211 West 12th Street

- 3. Mayor and City Commissioners.

Mayor Pro Tem James Carruthers

There being no objection, Mayor Michael Estes declared the meeting

City Commission Minutes

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April 6, 2015

adjourned at 10:18 p.m.

Benjamin C. Marentette, MMC
City Clerk

Approved: _____, _____
(Date) (Initials)